

REMARKS

Applicant has reviewed and considered the non-final Office Action mailed on November 6, 2009, and the reference cited therewith. Claims 21-23, 25-41, and 45-58 are currently pending in the present application. Claims 21-23, 25-28, 37-41, and 45-50 have been previously withdrawn. Reconsideration and allowance of the pending claims are respectfully requested in view of the following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 29-35, 51-55, 57, and 58 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,755,807 ("Risk") in view of U.S. Patent No. 4,996,128 ("Aldecoa"), U.S. Patent No. 6,142,982 ("Hunt"), and U.S. Patent No. 6,767,334 ("Randolph"). Applicant respectfully traverses this rejection.

The cited references, either alone or in combination, fail to teach or suggest each and every element of the claims. With respect to claim 29, the cited references fail to teach or suggest *a chamber having . . . a perforated gas flow channel, wherein perforations are formed laterally through the gas flow channel*. The Office Action cites the teachings of Risk against many of the elements of claim 29, but acknowledges that Risk does not teach a perforated gas flow channel. The Office Action instead relies upon the "tube 18" and "apertures 19" of Randolph to find alleged support for a perforated gas flow channel. However, the Office Action fails to address the claimed relationship between the chamber and the perforated gas flow channel, i.e. *a chamber having . . . a perforated gas flow channel*. Applicant's originally-filed specification addresses this relationship between the chamber and the perforated gas flow channel in at least FIGS. 8, 9A, and 9B and page 19, line 9 through page 20, line 10.

The cited portions of Randolph disclose a tube 18 having apertures 19 that is positioned in a pad 10 at the wound site. See *Randolph*, col. 3, lines 5-8. The tube 18 is a conduit for positively pressured air that is delivered past the portion of the tube 18 having the apertures 19. The flow of the air past the apertures 19 creates a venturi effect that generates a negative pressure at the wound site. While Randolph also

discloses a canister 23 for collecting exudate from the wound, the canister 23 is connected to the drainage end 22 of the tube 18. See *Randolph*, col. 3, lines 26-30. *Randolph* does not contemplate placing the apertures 19 of the tube 18 inside or near the canister 23. Nor does the Office Action allege that any particular relationship exists between the apertures 19 and the canister 23.

The combination of Risk and *Randolph* proposed by the Examiner would result in a system that included a canister with a chamber 404 (from Risk) that is connected to a tube 20 (Risk) having apertures 19 positioned at a wound site (*Randolph*). This combination of references does not teach or suggest a chamber having . . . a perforated gas flow channel. Furthermore, a person of ordinary skill in the art would not have been motivated to combine Risk and *Randolph* to arrive at the invention of claim 29. There is no disclosure associated with the apertures 19 and tube 18 of *Randolph* that would suggest to a person of skill in the art that the apertures 19 and tube 18 be associated with the chamber 404 taught by Risk. More specifically, a person of ordinary skill in the art would not have considered it obvious, based on the teachings of Risk and *Randolph* in combination, to arrive at a chamber having . . . a perforated gas flow channel.

For these reasons, claims 29 is allowable over the cited combination of references. Applicant respectfully requests that the rejection of claim 29 under 35 U.S.C. § 103 be withdrawn. Claims 30-35, 51-55, 57, and 58 are allowable at least by virtue of their dependency from claim 29, and Applicant requests that the rejection of these claims under 35 U.S.C. § 103 also be withdrawn.

Claim 36 was rejected under 35 U.S.C. § 103 as being obvious over Risk, Aldecoa, Hunt, and *Randolph*, and further in view of U.S. Patent No. 5,073,172 ("Fell"). For the above-stated reasons, Applicant submits that claim 29 is allowable over the cited references. Claim 36 is allowable at least by virtue of its dependency from claim 29. Applicant respectfully requests that the rejection of claim 36 under 35 U.S.C. § 103 be withdrawn.

Claim 56 was rejected under 35 U.S.C. § 103 as being obvious over Risk, Aldecoa, Hunt, and *Randolph*, and further in view of U.S. Patent No. 6,536,291 ("Gysling"). For the above-stated reasons, Applicant submits that claim 29 is allowable

over the cited references. Claim 56 is allowable at least by virtue of its dependency from claim 29. Applicant respectfully requests that the rejection of claim 56 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

A one-month extension of time and a \$130 extension fee are believed to be necessary, and the extension is hereby requested. If additional extensions of time are required, the extensions are hereby requested. If any additional fees are required for the prosecution of the application, please charge the fees to Deposit Account Number 19-3140.

In light of all the foregoing, believing that all things raised in the Non-Final Office Action have been addressed, Applicant respectfully requests reconsideration of the prior rejections and objections, as well as allowance of the claims and passage of the application to issue. If the Examiner would care to discuss any remaining matters by phone, Applicant invites the Examiner to contact the undersigned at 214.259.0907.

Date: 2/16/10

Respectfully submitted,



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